

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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GERARDO HERRERA, *et al.*,  
Plaintiffs,  
v.  
NATIONSTAR MORTGAGE,  
Defendants

Case No. 2:16-cv-01043-RFB-GWF

## **EXTENSION OF TEMPORARY RESTRAINING ORDER**

13        This case is before the Court on the status of Plaintiff Gerardo Herrera's application for a  
14      Temporary Restraining Order, filed on May 9, 2016. ECF No. 3. Plaintiff seeks a temporary  
15      restraining order enjoining Defendants from foreclosing upon or selling his home. Id. At the initial  
16      hearing held on May 11, 2016, the Court heard a statement from the Plaintiff and stated on the  
17      record its findings of fact and conclusions of law. For the reasons stated on the record at the May  
18      11, 2016 hearing as well as the reasons stated in the Order itself, the Court issued a Temporary  
19      Restraining Order against the following Defendants: Nationstar Mortgage, LLC; Meridias Capital,  
20      Inc.; JP Morgan Chase Bank; Quality Loan Service, Corp.; Mortgage Electronic Registration  
21      Systems, Inc. ECF No. 6, attached as Ex. A. On that same day, the Court stated it would hold a  
22      status conference as to compliance with the Court's Order on May 23, 2016. Id.

23 On May 23, 2016, Plaintiff appeared before the Court and produced documentation  
24 indicating that he had served Defendants with a copy of the Order by mail and by fax. See Fed. R.  
25 Civ. P. 5; Nev. R. Civ. P. 5. Federal Rules of Civil Procedure 65(b) permits a 14 day extension of  
26 a TRO where good cause is shown. The Court finds that good cause exists here and that an  
27 extension is warranted. Plaintiff has demonstrated that he has served Defendants with a copy of  
28 the Order, and Defendants have failed to appear in this case to date.

1           **IT IS FURTHER ORDERED** that the Court's prior Temporary Restraining Order (ECF  
2 No. 6) shall be extended an additional 14 days from the date this Order is entered, and that the  
3 Order shall expire at the close of business 14 days from that date pursuant to Fed. R. Civ. P.  
4 65(b)(2).

5           **IT IS FURTHER ORDERED** that a hearing as to the status of Defendants' compliance  
6 with this Temporary Restraining Order is scheduled for Wednesday, June 1, 2016 at 3:00 PM in  
7 LV Courtroom 7C.

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9           DATED: May 23, 2016.



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10           **RICHARD F. BOULWARE, II**  
11           **United States District Judge**

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## **EXHIBIT A**

## **EXHIBIT A**

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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GERARDO HERRERA, *et al.*,  
Plaintiffs,  
v.  
NATIONSTAR MORTGAGE,  
Defendants.

Case No. 2:16-cv-01043-RFB-GWF

## TEMPORARY RESTRAINING ORDER

13 This case is before the Court on Plaintiff Gerardo Herrera's ex parte application for a  
14 Temporary Restraining Order, filed on May 9, 2016. ECF No. 3. At the hearing held on May 11,  
15 2016, the Court heard a statement from the Plaintiff and stated on the record its findings of fact  
16 and conclusions of law.

17 For the reasons stated on the record at the May 11, 2016 hearing, the Court issues a  
18 Temporary Restraining Order against the following Defendants: Nationstar Mortgage, LLC;  
19 Meridias Capital, Inc.; JP Morgan Chase Bank; Quality Loan Service, Corp.; Mortgage Electronic  
20 Registration Systems, Inc. These reasons include—but are not limited to—Plaintiff's  
21 representations as to following:

- That Defendant Nationstar, Plaintiff's loan servicer, has represented to Mr. Herrera that it would postpone the date of the foreclosure sale until Nationstar has either granted or denied Mr. Herrera's application for a loan modification;
- That, to date, the foreclosure sale is still scheduled to take place May 12, 2016;
- That, to date, Mr. Herrera has yet to receive a determination by Nationstar as to whether his application for a loan modification has been approved or denied.

**IT IS THEREFORE ORDERED** that Defendants Nationstar Mortgage, LLC, Meridias

1 Capital, Inc., JP Morgan Chase Bank, Quality Loan Service, Corp., Mortgage Electronic  
2 Registration Systems, Inc. as well as their officers, agents, employees, and attorneys, and all other  
3 persons in active participation with any of them who receive actual notice of this Order:

4 a) Shall be enjoined from foreclosing upon or selling Mr. Herrera's property  
5 located at 586 Jackson Drive, Henderson, NV 89014.

6 **IT IS FURTHER ORDERED** that this Temporary Restraining Order shall take effect as  
7 soon as Defendants receive actual notice of the posting of this security, and shall expire at the close  
8 of business 14 days from that date, unless extended pursuant to Fed. R. Civ. P. 65(b)(2).

9 **IT IS FURTHER ORDERED** that a hearing as to the status of Defendants' compliance  
10 with this Temporary Restraining Order is scheduled for **Monday, May 23, 2016 at 9:30 am** in LV  
11 Courtroom 7C.

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DATED: May 11, 2016.

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RICHARD F. BOULWARE, II  
United States District Judge

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